



SO ORDERED.

SIGNED this 22 day of January, 2013.

Stephani W. Humrickhouse

**Stephani W. Humrickhouse
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

CASE NO.

MATTHEW HORACE TEMPLE

12-04049-8-SWH

**DAVID BERNARD EICHACKER, SR. and
JEAN THOMPSON EICHACKER**

12-03063-8-SWH

LAURIE SOLDEVILLA BULALA

12-02855-8-SWH

VANNESSA JEAN MARIE KLEIN

12-02859-8-SWH

MELISSA TANT LINDER

12-03151-8-SWH

**BENNY SCOTT DAMERON and
AMY BRANN DAMERON**

12-03146-8-SWH

APRIL STAR KNISH

12-03153-8-SWH

RICKEY JASPER PRIVETTE, JR.

12-04640-8-SWH

**SAMUEL JOSEPH TRIPP and
ANGELA DURHAM TRIPP**

12-04535-8-SWH

**PAUL EDWARD LANDRY and
VICKI SUE LANDRY**

12-04033-8-SWH

MELANIE ELIZABETH OWENS

12-04083-8-SWH

**JAMES E. KANE and
ROBIN CHRISTINE KANE**

12-04659-8-SWH

FREDA PRATT BRANCH

12-04792-8-SWH

**ROBERT FRANCIS BLEGGI and
ELLEN ELIZABETH BLEGGI,**

12-02009-8-SWH

DEBTORS

ORDER

These matters came on to be heard upon the Chapter 13 trustee's motions to dismiss on the grounds that the debtors failed to contribute their projected disposable income to the payment of unsecured creditors under their plans pursuant to 11 U.S.C. § 1325(b)(1)(B). The debtors have objected to the trustee's motions and a hearing was held on December 10, 2012, at 2:00 p.m. in Raleigh, North Carolina. The court opened the hearing to all interested parties and allowed the filing of amicus briefs prior to the hearing.

In each of the above-captioned cases, the debtors filed voluntary petitions under Chapter 13 of the Bankruptcy Code and John F. Logan was appointed as the Chapter 13 trustee. Of the fourteen cases specifically before this court, seven propose plans that extend over the entire applicable commitment period. In seven cases, the plans propose a period of less than the applicable commitment period. Of the twelve above-median income cases, seven have plans proposed for between thirty-six and forty-five months. All fourteen plans contain "early termination language." This language permits early termination of the plan upon the payment of allowed secured, priority, and administrative claims and the payment of any required dividend to non-priority unsecured creditors under § 1323(b)(1)(B).

A complete recitation of the arguments of counsel is set forth in the Order entered by the Honorable J. Rich Leonard in In re Nicholas David Ballew, Case No. 12-04059-8-JRL on January 11, 2013, which is incorporated hereby by reference. The court will deny the trustee's motions to dismiss based upon the reasoning and ruling in that case.

SO ORDERED.

END OF DOCUMENT